

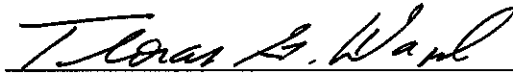
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARC S. KIRSCHNER,	:	Case No. 07 Civ. 08165 (GEL)
as Trustee of the Refco Private Actions Trust,	:	
	:	
Plaintiff,	:	<b>NOTICE OF DEFENDANT</b>
	:	<b>MAYER BROWN LLP'S</b>
v.	:	<b>MOTION TO DISMISS</b>
	:	
PHILLIP R. BENNETT, SANTO C. MAGGIO,	:	ECF Filed
ROBERT C. TROSTEN, MAYER, BROWN,	:	
ROWE & MAW LLP, GRANT THORNTON LLP,	:	
and ERNST & YOUNG US LLP,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law and Declaration of Thomas G. Ward and exhibits annexed thereto, both dated June 6, 2008, Defendant Mayer Brown LLP moves this Court before the Honorable Gerard E. Lynch, United States District Judge, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing this action.

Dated: Washington, D.C.  
June 6, 2008

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas G. Ward". The signature is written in dark ink and is positioned above a horizontal line.

John K. Villa (admitted *pro hac vice*)  
Michael S. Sundermeyer (admitted *pro hac vice*)  
Craig D. Singer (admitted *pro hac vice*)  
Thomas G. Ward (TW-6255)  
WILLIAMS & CONNOLLY LLP  
725 Twelfth St., NW  
Washington, D.C. 20005  
(202) 434-5000  
(202) 434-5029 (fax)

*Attorneys for Defendant Mayer Brown LLP*

**CERTIFICATE OF SERVICE**

I, Thomas G. Ward, hereby certify that on this 6th day of June, 2008, I caused a true and correct copy of the Notice of Defendant Mayer Brown LLP's Motion to Dismiss, a true and correct redacted copy the Memorandum of Law in Support of Defendant Mayer Brown LLP's Motion to Dismiss, and the Declaration of Thomas G. Ward in Support of Defendant Mayer Brown LLP's Motion to Dismiss and exhibits annexed thereto (with certain exhibits redacted) to be filed electronically. Notice of these filings will be electronically mailed to all parties registered with the Court's electronic filing system. I further certify that on this day, I caused true and correct copies of the Notice of Defendant Mayer Brown LLP's Motion to Dismiss, the Memorandum of Law in Support of Defendant Mayer Brown LLP's Motion to Dismiss, and the Declaration of Thomas G. Ward in Support of Defendant Mayer Brown LLP's Motion to Dismiss and exhibits annexed thereto to be served on all parties via electronic mail.



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Thomas G. Ward (TW-6255)